

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

BILLY M. SMITH,

:

Case No. 3:10-cv-448

Plaintiff,

-vs-

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

MONTGOMERY COUNTY  
SHERIFF'S OFFICE, *et al.*,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 138), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto, despite a thirty-five day extension of time to do so, and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on December 1, 2012, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Defendant Douglas Kowalski's Motion for Summary Judgment, (Doc. 100), be granted; Defendants Montgomery County Sheriff's Office, Michael L. Hild, Jr.'s, Paul Henson's, and Steven Gardiner's Motion for Summary Judgment, (Doc. 101), be granted; Plaintiff's Motions for Partial Summary Judgment Against Defendants Henson, (Doc. 110), Kowalski, (Doc. 111), Montgomery County Sheriff's Office, (Doc. 112), Gardiner, (Doc. 121), and Hild, (Doc. 122), be denied.

The Clerk shall enter judgment dismissing the Complaint with prejudice.

December 10, 2012

*Thomas M. Rose*

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JUDGE THOMAS M. ROSE  
United States District Court